

EXHIBIT A

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 6th JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. 2022-192280-NP -NP JUDGE CHERYL A.
Court address 1200 N. Telegraph Road, Pontiac MI 48341		MATTHEWS Court telephone no. 248-858-0344

Plaintiff's name(s), address(es), and telephone no(s).

LILY YONKER, a Minor, by her
Next Friend ROBERT HOVER

Plaintiff's attorney, bar no., address, and telephone no.

B. A. TYLER (P25404)
TYLER LAW FIRM, PLLC
3001 W. Big Beaver, Suite 110
Troy, MI 48084

v

Defendant's name(s), address(es), and telephone no(s).

ADIDAS-SALOMON AG;
REEBOK INTERNATIONAL LIMITED;
AUTHENTIC BRANDS GROUP;
ICON HEALTH & FITNESS, INC. and
iFIT HEALTH & FITNESS, f/k/a ICON
HEALTH & FITNESS, INC.

This case has been designated as an eFiling
case, for more information please visit
www.oakgov.com/efiling.

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court, where

it was given case number _____ and assigned to Judge _____.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 1/28/2022	Expiration date* 04/29/2022	Court clerk Lisa Brown
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

SUMMONS**PROOF OF SERVICE**

Case No.22-

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

☐ I served personally a copy of the summons and complaint,

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with _____

List all documents served with the summons and complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____
Attachments

_____ on _____
Day, date, time

Signature _____ on behalf of _____

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

LILY YONKER, a Minor, by her
Next Friend ROBERT HOVER

Plaintiff,

v

2022-192280-NP

Case No.: 2022- - NP
Hon.: JUDGE CHERYL A. MATTHEWS

ADIDAS-SALOMON AG;
REEBOK INTERNATIONAL LIMITED;
AUTHENTIC BRANDS GROUP;
ICON HEALTH & FITNESS, INC. and
iFIT HEALTH & FITNESS, f/k/a ICON
HEALTH & FITNESS, INC.

Defendants,

B. A. TYLER (P25404)
TYLER LAW FIRM, PLLC
Attorney for Plaintiff
3001 W. Big Beaver, Suite 110
Troy, MI 48084
(248) 458-6600
btyler@tyler-legal.com

COMPLAINT

**There is no other pending or resolved civil action arising out of the
transaction or occurrence alleged in the complaint.**

NOW COMES the Plaintiff, Lily Yonker, by her Next Friend, Robert Hover, through
attorneys, **TYLER LAW FIRM, PLLC**, and for the Complaint, states as follows:

1. That this case arises out of injuries to the minor, Lily Yonker.
2. That this matter is within the jurisdiction of this Court for the reason that it seeks
damages in excess of the jurisdictional limits, exclusive of interests and costs.

3. That Plaintiff Next Friend is a resident of the County of Oakland, State of Michigan.

4. That Defendants did business within the County of Oakland, State of Michigan at all times pertinent hereto.

5. That on or about April 21, 2017 Lily Yonker, who was four years old, was playing in the basement while her Mother was using the Reebok Treadmill Model RTX525/RBTL-15500 Serial No. N15122954.

6. At said time Lily was playing with a ball which landed near the subject treadmill, and as Lily reached for the ball the treadmill pulled her hand into the opening between the rotating belt and the frame.

7. That as a result of the treadmill pulling Lily's hand into the equipment she suffered an injury described in general terms as a third degree friction burn with surrounding second degree friction burn, which has caused permanent scarring.

8. That upon information and belief the Reebok treadmill was licensed and approved by one or more Defendants Adidas-Salomon AG, Reebok International Limited, Authentic Brands Group for which all or some have successor liability, (herein after "Reebok") and was marketed and distributed at least in part by said entity.

9. That upon information and belief Defendants Icon Health & Fitness Inc. and iFit Health & Fitness formerly known as Icon Health & Fitness Inc. (hereinafter referred to as "Icon") designed, manufactured, marketed and sold the subject Reebok treadmill.

10. That said treadmill was defective in that it contained a pinch point between the belt and the frame allowing for a person to have a portion of their body entrapped within the equipment.

11. That said treadmill did not have adequate warnings or instructions as to the means to avoid the unreasonable risks of injury.

12. That comparable equipment designs, both by Defendants and other manufacturers, existed at the time of manufacture that did not contain a similar pinch point.

13. That said treadmill was part of a production of said products that were known to cause injuries, all of which was known to Defendants but unknown to Lily's parents at the time of use and no notices, warnings or other pertinent information was provided to the users prior to the incident.

14. That Defendants in whole or in part owed certain duties to Lily, including but not limited to:

- a. Design, manufacture, market and distribute a safe and non-defective treadmill;
- b. Properly test and inspect their treadmills to ensure they were safe, non-defective and fit for their intended purpose, i.e. so as to prevent injuries;
- c. Provide sufficient and proper warnings, instructions and information regarding said treadmills to ensure the safe use of same; and
- d. Timely recall said treadmills.

15. That Defendants breached said duties proximately causing the serious and permanent injury to Lily.

16. That Defendants were grossly negligent in that their actions indicated a willful lack of concern and disregard as to whether an injury or death would occur when someone was utilizing one of the treadmills.

17. That said gross negligence was a proximate cause of the serious and permanent injury to Lily.

18. That Defendants knew at the time of manufacture and distribution that said treadmill was defective and there was a substantial likelihood that the defect would cause injury or death, but willfully disregarded that knowledge.

19. That as a result of the wrongful conduct of Defendants minor Lily was caused to suffer a serious and permanent injury.

WHEREFORE, Plaintiff prays that this Honorable Court enter judgment against Defendants.

Respectfully submitted

/s/ *B.A. Tyler*

By:

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Dated: January 28, 2022